

AO91 (Rev. 8/01) Criminal Complaint

U.S. MAGISTRATE COURT  
JSH - SDTX  
CRIM

## UNITED STATES DISTRICT COURT

OCT 14 2014 CLR

SOUTHERN

DISTRICT OF

TEXAS

David J. Draney, Clerk  
Laredo Division

UNITED STATES OF AMERICA

V.

Juan GONZALEZ  
Laredo, TX  
US

CRIMINAL COMPLAINT

Case Number: 5:14mj 1305-1

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 09, 2014 in Webb County, in the Southern District of Texas Juan GONZALEZ defendant(s), a citizen of the United States, did unlawfully transport five undocumented alien(s) within the Southern District of Texas knowing or in reckless disregard of the fact that said alien(s) had come to, entered, or remained in the United States in violation of law, and transported or moved said alien(s) within the United States by means of motor vehicle or otherwise, in furtherance of such violation of law;

in violation of Title(s) 8 United States Code, Section(s) 1324

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts: Based on statements of the accused and records of the U.S. Department of Homeland Security.

Continued on Affidavit

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Edilberto Torres Jr

Printed Name of Complainant

Sworn to before me and signed in my presence,

October 14, 2014  
Date

at

Laredo, Texas  
City and StateJ. Hacker, U.S. Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

CONTINUATION OF CRIMINAL COMPLAINT

**AFFIDAVIT**

In support of Criminal Complaint

**UNITED STATES OF AMERICA**  
**V.**

**CRIMINAL COMPLAINT**

Juan GONZALEZ

Case Number: 5:14mj 1305-1

October 9, 2014, a Border Patrol Agent (BPA) was working his assigned area near the LCC South campus. At approximately 10:30 a.m., the BPA was responding to a sensor activation that was called out by the camera operator. While driving down Cuenca Street on his way to check the sensor activation, the BPA was flagged down by a concerned citizen who advised that she had witnessed a green in color Chevrolet SUV pick up people. She further advised that the green Chevrolet SUV was at the stop light located on Hwy. 83 South and Cielito Lindo Ave. Due to the time frame of the sensor activation and what the concerned citizen had advised, the BPA responded to the intersection of Hwy. 83 and Cielito Lindo Ave. As the BPA got to the intersection, he noticed an older green in color Chevrolet Tahoe at the stop light. As the BPA approached the vehicle he noticed several subjects in the back seat of the vehicle duck in an attempt to conceal themselves.

The green Tahoe was in the left hand turn only lane. As the driver noticed the marked Border Patrol unit behind him, he immediately switched lanes and proceeded to stay on Cielito Lindo Ave. As the green Tahoe was driving on Cielito Lindo the driver and female passenger kept looking back in the direction of the BPA. At this time, the BPA contacted dispatch to request a vehicle registration check when the green Tahoe made an abrupt right hand turn on St. Cecilia St. The BPA activated his emergency lights and the vehicle came to a complete stop at the intersection of St. Cecilia and St. Jude St. As the BPA got out of his unit, he noticed that the back seat passengers were attempting to open the rear passenger door and abscond. Since the rear passenger door was not functioning due to a previous accident they were not able to open it and all five passengers were instructed to sit back down. At this point, the BPA proceeded to conduct an immigration inspection on the vehicle's occupants.

The driver later identified as Juan Gonzalez claimed to be a United States citizen. The female front seat passenger identified herself as Priscilla Guevara and claimed to be a United States citizen. All 5 back seat passengers claimed to be illegally present in the United States.

All occupants of the vehicle were placed under arrest and transported back to the Laredo South Station for processing. Once at the station, both the driver and passenger were read their Miranda Rights as per Service Form I-214 and both subjects signed and stated they understood.

**Principal:**

The principal (Juan Gonzalez) provided the following information: Juan Gonzalez claimed to have been called by a friend of his who he only knows as "El Cacho." Gonzalez stated that "El Cacho" told him to go to the LCC South Campus and take a left, and once on that street he was instructed to keep going until he could see a wooded area where there would be people waiting to be picked up by him. Once he picked up the undocumented aliens, "El Cacho" was going to call him again and tell him where to take them. He was told by "El Cacho" that he was going to be paid \$70.00 USD per person once he dropped them off at a location which "El Cacho" would give him. Juan Gonzalez claims that his girlfriend (Priscilla Guevara) who was the passenger at the time, was not aware of what he was going to do. Gonzalez states that he only told Guevara that he was going for a ride but that he did not tell her that he was going to pick up those undocumented aliens. Priscilla Guevara claimed the same story as Juan Gonzalez had stated. Guevara stated that she and Juan Gonzalez were at home when Gonzalez asked her if she wanted to go for a ride. Guevara claimed that she was not aware of his intentions until he stopped near the brushy area and people ran out and got in their vehicle.

**Material Witnesses:**

FIGUEROA-Bustos, Emery claims that his cousin who lives in Houston, Texas had made arrangements for him with an unknown subject in Nuevo Laredo, Mexico. A guide helped them wade across the Rio Grande River near Laredo, Texas. Once on the

United States side of the river, he claimed to have walked for about 15 minutes when he was told by the guide to wait in the brush until a vehicle came to pick them up. Figueroa stated that the vehicle that picked them up was green in color and was being driven by Juan Gonzalez with Priscilla Guevara as the passenger. Figueroa claims that as they were running to the green vehicle Juan Gonzalez yelled "esta es" (this is it) and told them to get in.

MARTINEZ-Neri, Alexis also claimed that a family member had made arrangements for him. He was charged \$ 5,900.00 USD to get smuggled to Houston, Texas. Martinez claims that he could only pay \$1,900.00 and the rest would be paid once he got to Houston. Martinez stated that he was then taken to the riverbank where a guide was waiting for them to get them across the Rio Grande River. Once across the river, he claimed to have walked for a short while and was instructed to wait in the brush until a vehicle picked them up. After a short while, Martinez claimed that he saw a green vehicle stop and the guide told them to run and get in. Martinez claimed that the guide did not get in the vehicle with them. Martinez was able to identify the driver as Juan Gonzalez.

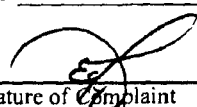
Disposition:

Juan Gonzalez is going to be charged with 8 USC 1324 transporting aliens. The front seat passenger, Priscilla Guevara, will not be charged and will be released since she claimed no knowledge which was supported by Juan Gonzalez's sworn statement.

Both Material witnesses were processed accordingly: MARTINEZ-Neri was processed as a Reinstatement and FIGUEROA-Bustos as a Voluntary Return. Their removal proceedings will commence after their court appearances relating to 18 USC 3144. The other 3 undocumented subjects were taken to the LRTPC and processed accordingly.

SUBSCRIBED and SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Signature of Complainant